

REMARKS

Claims 49-85 are pending in the present application.

Applicants respectfully respond to this Office Action.

Claim Rejections – 35 USC § 103

Claims 49-50, 52-60 and 62-85 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,381,741 to Shaw. Claims 51 and 61 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Shaw patent in view of allegedly admitted prior art (APA) related to a hardware fuse.

The rejection of independent claim 49 as allegedly being unpatentable over the Shaw patent is respectfully traversed. Claim 49 recites, “determining the authentication status of the computing device, wherein the computing device’s authentication status is authenticated if at least one piece of the computing device’s resident software has been authenticated, and the computing device’s authentication status is not authenticated if none of the computing device’s resident software has been authenticated” and “changing the computing device’s authentication status to authenticated and loading the available software if the computing device’s authentication status is determined to be not authenticated and the available software’s authentication status is determined to be authenticated.”

The Shaw patent fails to disclose or suggest “determining the authentication status of the computing device, wherein the computing device’s authentication status is authenticated if at least one piece of the computing device’s resident software has been authenticated,” as recited claim 49. The Shaw patent discloses checking only for corruption of resident application code 26 “as opposed to authenticity,” to determine whether the application is intact. See, col. 3, lines 40-67, and FIG. 2, block 130. Also, the Shaw patent asserts that only code that resides in permanent read-only storage can be trusted as not corrupt. See, col. 2, lines 61-63. Applicants respectfully assert that the Shaw patent’s teaching of checking for corruption, and not authenticity, fails to suggest or render obvious determining the authentication status of the computing device.

Further, the Shaw patent fails to disclose “changing the computing device’s authentication status to authenticated and loading the available software if the computing device’s authentication status is determined to be not authenticated and the available software’s authentication status is determined to be authenticated,” as recited in claim 49. Instead, the Shaw patent discloses setting a reset flag 28 and forcing a reboot and update if a RunDownloader binary value is set when application code 26 in writeable memory is corrupt, or if a Trust Data binary value is set when data in writeable memory 16 is corrupt. See, col. 3, lines 40-67, and FIG. 2, blocks 130 and 150. Applicants assert that Shaw patent’s teaching of setting a reset flag and forcing a reboot and update is not similar to, and fails to suggest or render obvious “changing the computing device’s authentication status to authenticated and loading the available software.”

For these reasons, Applicants respectfully request the Examiner to withdraw the rejections of independent claim 49.

It is respectfully submitted that dependent claims 50 and 52-58 are at least allowable for the reasons given above in relation to independent claim 49.

Claims 59-60 and 62-85 are computing device and storage device claims having features defined by language similar to that of method claims 49-50 and 52-58. It is respectfully submitted that claims 59-60 and 62-85 are at least allowable for the reasons given above in relation to claims 49-50 and 52-58.

The rejections of dependent claims 51 and 61, as allegedly being unpatentable over the Shaw patent in view of allegedly admitted prior art (APA) related to a hardware fuse, is respectfully traversed. Applicants assert that the alleged APA fails to remedy the disclosure deficiencies of the Shaw patent, as discussed above with respect to independent claims 49 and 59. Accordingly, the rejections of claims 51 and 61 under 35 U.S.C. §103(a) should be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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